IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2905 OF 2004

Kantilal Pandurang Rashinkar .. Petitioner.
Vs.
Sampat Mahadeo Kadam & Ors. .. Respondents.

Mr.Uday Warunjikar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2004

P.C.:

. Mr.Warunjikar, learned counsel for the petitioner.

2. This petition is directed against the concurrent findings recorded by the courts below by which application - Exhibit-5 has been allowed and respondents - defendant nos.1 to 3 have been restrained from obstructing petitioner’s possession and right of taking water from the Well by using the electric motor. The ad-interim injunction was initially granted in August 2002 which came to be confirmed by the trial court by its order dated 4.1.2003. The miscellaneous appeal filed by the petitioner has been dismissed on 13.1.2004. Keeping that in view and well settled

position of law that this court is not expected to reassess the material and seek to reach the conclusion different from the one reached by the courts below, if one reached by the courts below was reasonably possible on the material. From the perusal of the impugned judgment and other material it cannot be said that the conclusion arrived at by the courts below is not possible. No case for interference in the impugned orders is made out in this petition. The petition, therefore, fails and is dismissed as such. The trial is expedited.

(D.B.Bhosale, J.)